

STAYED,TYPE I-FOIA

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:17-cv-01792-TSC**

DANIK v. U.S. DEPARTMENT OF JUSTICE  
Assigned to: Judge Tanya S. Chutkan  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/01/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****JEFFREY A. DANIK**

represented by **Michael Bekesha**  
JUDICIAL WATCH, INC.  
425 Third Street, SW  
Suite 800  
Washington, DC 20024  
(202) 646-5172  
Fax: (202) 646-5199  
Email: [mbekesha@judicialwatch.org](mailto:mbekesha@judicialwatch.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****U.S. DEPARTMENT OF JUSTICE**

represented by **Paul Cirino**  
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2529  
Fax: (202) 252-2599  
Email: [paul.cirino@usdoj.gov](mailto:paul.cirino@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Alexander Daniel Shoaibi**  
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2511  
Fax: (202) 252-2599  
Email: [alexander.d.shoaibi@usdoj.gov](mailto:alexander.d.shoaibi@usdoj.gov)  
**TERMINATED: 07/23/2018**

**Joshua M. Kolsky**  
U.S. ATTORNEY'S OFFICE FOR THE DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2541  
Fax: (202) 252-2599  
Email: [joshua.kolsky2@usdoj.gov](mailto:joshua.kolsky2@usdoj.gov)  
**TERMINATED: 12/14/2018**

Date Filed	#	Docket Text
09/01/2017	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF JUSTICE ( Filing fee \$ 400 receipt number 0090-5099584) filed by JEFFREY A. DANIK. (Attachments: # <u>1</u> Civil Cover

		Sheet, # <u>2</u> Summons U.S. Attorney, # <u>3</u> Summons U.S. Attorney General, # <u>4</u> Summons Department of Justice)(Bekesha, Michael) (Entered: 09/01/2017)
09/01/2017		Case Assigned to Judge Tanya S. Chutkan. (sth) (Entered: 09/01/2017)
09/01/2017	<u>2</u>	SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(sth) (Entered: 09/01/2017)
09/12/2017	<u>3</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/8/2017. ( Answer due for ALL FEDERAL DEFENDANTS by 10/8/2017.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/8/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 9/8/2017 (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Bekesha, Michael) (Entered: 09/12/2017)
10/10/2017	<u>4</u>	NOTICE of Appearance by Alexander Daniel Shoaibi on behalf of U.S. DEPARTMENT OF JUSTICE (Shoaibi, Alexander) (Entered: 10/10/2017)
10/10/2017	<u>5</u>	ANSWER to Complaint by U.S. DEPARTMENT OF JUSTICE.(Shoaibi, Alexander) (Entered: 10/10/2017)
10/10/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. The requirements of LCvR 16.3 and Rule 26(f) of the Federal Rules of Civil procedure appear to be inapplicable. IT IS HEREBY ORDERED that the parties shall meet and confer and propose a schedule for proceeding in this matter. The schedule shall address the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, whether and when either party anticipates filing a dispositive motion, and any other pertinent issues. The parties shall file a joint status report that addresses these issues and that contains a proposed schedule and proposed order not later than 11/7/17. Signed by Judge Tanya S. Chutkan on 10/10/17. (DJS) (Entered: 10/10/2017)
10/15/2017		Set/Reset Deadlines: Joint Status Report due by 11/7/2017. (tb) (Entered: 10/15/2017)
11/07/2017	<u>6</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Shoaibi, Alexander) (Entered: 11/07/2017)
11/14/2017		MINUTE ORDER: Having considered the parties' Joint Status Report <u>6</u> , it is hereby ordered that the parties shall adhere to the following deadlines: All searches will be complete by November 30, 2017. Defendant will make a release of already processed material by November 30, 2017. Joint Status Report and PROPOSED ORDER due December 8, 2017. Signed by Judge Tanya S. Chutkan on 11/14/17. (DJS) (Entered: 11/14/2017)
11/15/2017		Set/Reset Deadlines: Joint Status Report and proposed order due by 12/8/2017. (tb) (Entered: 11/15/2017)
12/08/2017	<u>7</u>	Joint STATUS REPORT by JEFFREY A. DANIK. (Attachments: # <u>1</u> Text of Proposed Order)(Bekesha, Michael) (Entered: 12/08/2017)
12/11/2017		MINUTE ORDER: Having considered the parties' Joint Status Report <u>7</u> , it is hereby ordered that the parties shall adhere to the following schedule: Defendant to produce to Plaintiff all remaining, non-exempt records by January 22, 2018. Plaintiff to inform Defendant of any challenges to the productions by January 31, 2018. Joint Status Report and proposed order by February 14, 2018. Signed by Judge Tanya S. Chutkan on 12/11/17. (DJS) (Entered: 12/11/2017)
12/12/2017		Set/Reset Deadlines: Joint Status Report due by 2/14/2018. (tb) (Entered: 12/12/2017)
02/14/2018	<u>8</u>	Joint STATUS REPORT ( <i>Third</i> ) by JEFFREY A. DANIK. (Attachments: # <u>1</u> Text of Proposed Order)(Bekesha, Michael) (Entered: 02/14/2018)

02/17/2018		MINUTE ORDER: Having considered the parties' Joint Status Report <u>8</u> , it is hereby ordered that the parties shall adhere to the following briefing schedule: Defendant's Motion for Summary Judgment shall be filed by April 13, 2018. Plaintiff's Opposition and Combined Cross-Motion for Summary Judgment shall be filed by May 14, 2018. Defendant's Reply and Combined Opposition to Plaintiff's Cross-Motion for Summary Judgment shall be filed by May 29, 2018. Plaintiff's Reply shall be filed by June 12, 2018. Signed by Judge Tanya S. Chutkan on 2/17/18. (DJS) (Entered: 02/17/2018)
02/20/2018		Set/Reset Deadlines: Cross Motion due by 5/14/2018. Response to Cross Motion due by 5/29/2018. Reply to Cross Motion due by 6/12/2018. Summary Judgment motion due by 4/13/2018. Response to Motion for Summary Judgment due by 5/14/2018. Reply to Motion for Summary Judgment due by 5/29/2018. (tb) (Entered: 02/20/2018)
04/12/2018	<u>9</u>	Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by U.S. DEPARTMENT OF JUSTICE (Shoaibi, Alexander) (Entered: 04/12/2018)
04/19/2018	<u>10</u>	Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by U.S. DEPARTMENT OF JUSTICE (Shoaibi, Alexander) (Entered: 04/19/2018)
04/20/2018		MINUTE ORDER: Granting <u>9</u> <u>10</u> Consent Motions for Extension of Deadlines. Defendant's motion for summary judgment due April 27, 2018; Plaintiff's opposition and combined cross-motion for summary judgment due May 28, 2018; Defendant's reply and combined opposition to Plaintiff's cross-motion due June 12, 2018; and Plaintiff's reply due June 26, 2018. Signed by Judge Tanya S. Chutkan on 4/20/18. (DJS) (Entered: 04/20/2018)
04/23/2018		Set/Reset Deadlines: Summary Judgment motion due by 4/27/2018. Response and Cross Motion due by 5/28/2018. Reply and Response to Cross Motion due by 6/12/2018. Reply to Cross Motion due by 6/26/2018. (tb) (Entered: 04/23/2018)
04/27/2018	<u>11</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration of David Hardy, # <u>3</u> Exhibit A-Q, # <u>4</u> Text of Proposed Order)(Shoaibi, Alexander) (Entered: 04/27/2018)
04/27/2018	<u>12</u>	NOTICE of Submission of <i>In Camera</i> , <i>Ex Parte Declaration</i> by U.S. DEPARTMENT OF JUSTICE re <u>11</u> MOTION for Summary Judgment (Shoaibi, Alexander) (Entered: 04/27/2018)
05/29/2018	<u>13</u>	Memorandum in opposition to re <u>11</u> MOTION for Summary Judgment filed by JEFFREY A. DANIK. (Attachments: # <u>1</u> Text of Proposed Order)(Bekesha, Michael) (Entered: 05/29/2018)
05/29/2018	<u>14</u>	Cross MOTION for Summary Judgment by JEFFREY A. DANIK (Attachments: # <u>1</u> Text of Proposed Order)(Bekesha, Michael) (Entered: 05/29/2018)
06/11/2018	<u>15</u>	Consent MOTION for Extension of Time to <i>File Reply and Opposition</i> by U.S. DEPARTMENT OF JUSTICE (Shoaibi, Alexander) (Entered: 06/11/2018)
06/13/2018		MINUTE ORDER: Granting <u>15</u> Consent Motion for Extension of Deadlines. Defendant's reply and combined opposition to Plaintiff's cross-motion for summary judgment shall be filed by June 26, 2018. Plaintiff's reply shall be filed by July 10, 2018. Signed by Judge Tanya S. Chutkan on 6/13/18. (DJS) (Entered: 06/13/2018)
06/14/2018		Set/Reset Deadlines: Reply and Response to Cross Motion due by 6/26/2018. Reply to Cross Motion due by 7/10/2018. (tb) (Entered: 06/14/2018)
06/15/2018		Set/Reset Deadlines: Reply and Response to Cross Motion due by 6/26/2018. Reply to Cross Motions due by 7/10/2018. (tb) (Entered: 06/15/2018)
06/25/2018	<u>16</u>	Unopposed MOTION for Extension of Time to <i>File Reply and Opposition to Cross-Motion for Summary Judgment</i> by U.S. DEPARTMENT OF JUSTICE (Shoaibi, Alexander) (Entered: 06/25/2018)
06/28/2018		MINUTE ORDER: Granting <u>16</u> Unopposed Motion for Extension of Deadlines. Defendant's reply and combined opposition to Plaintiff's cross-motion for summary judgment shall be filed by July 26, 2018. Plaintiff's reply shall be filed by August 9, 2018. Signed by Judge Tanya S. Chutkan on 6/28/18. (DJS) (Entered: 06/28/2018)

06/28/2018		Set/Reset Deadlines: Defendant's reply and combined opposition to Plaintiff's cross-motion for summary judgment is due by 7/26/2018. Plaintiff's cross-reply is due by 8/9/2018. (jth) (Entered: 07/01/2018)
07/23/2018	<u>17</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Joshua M. Kolsky on behalf of U.S. DEPARTMENT OF JUSTICE Substituting for attorney Alexander Shoaibi (Kolsky, Joshua) (Entered: 07/23/2018)
07/24/2018	<u>18</u>	Unopposed MOTION for Extension of Time to File <i>Summary Judgment Opposition and Reply</i> by U.S. DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 07/24/2018)
07/26/2018		MINUTE ORDER: Granting <u>18</u> Unopposed Motion for Extension of Deadlines. Defendant's combined Reply in Support of Motion for Summary Judgment and Opposition to Plaintiff's Cross-Motion for Summary Judgment due August 9, 2018. Plaintiff's Reply in Support of Motion for Summary Judgment due August 23, 2018. Signed by Judge Tanya S. Chutkan on 7/26/18. (DJS) (Entered: 07/26/2018)
07/27/2018		Set/Reset Deadlines: Reply and Response to Cross Motion due by 8/9/2018. Reply to Cross Motion due by 8/23/2018. (tb) (Entered: 07/27/2018)
08/09/2018	<u>19</u>	Memorandum in opposition to re <u>14</u> Cross MOTION for Summary Judgment <i>and Reply in Support of Defendant's Motion for Summary Judgment</i> filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Declaration)(Kolsky, Joshua) (Entered: 08/09/2018)
08/09/2018	<u>20</u>	REPLY to opposition to motion re <u>11</u> MOTION for Summary Judgment <i>and Opposition to Plaintiff's Cross-Motion for Summary Judgment</i> filed by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Statement of Facts (Response), # <u>2</u> Declaration)(Kolsky, Joshua) (Entered: 08/09/2018)
08/20/2018	<u>21</u>	Consent MOTION to Stay <i>Summary Judgment Briefing</i> by JEFFREY A. DANIK (Attachments: # <u>1</u> Text of Proposed Order)(Bekesha, Michael) (Entered: 08/20/2018)
08/22/2018		MINUTE ORDER: Granting <u>21</u> Motion to Stay Briefing Schedule. Summary Judgment briefing is hereby stayed. The parties shall file a joint status report and proposed order by October 19, 2018. Signed by Judge Tanya S. Chutkan on 8/22/18. (DJS) (Entered: 08/22/2018)
08/22/2018		Set/Reset Deadlines: Joint Status Report due by 10/19/2018. (tb) (Entered: 08/22/2018)
10/19/2018	<u>22</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Kolsky, Joshua) (Entered: 10/19/2018)
10/22/2018		MINUTE ORDER: Having considered the parties' joint status report <u>22</u> , it is hereby ordered that the parties shall file another report and a proposed order by 11/30/18. Signed by Judge Tanya S. Chutkan on 10/22/18. (DJS) (Entered: 10/22/2018)
10/23/2018		Set/Reset Deadlines: Joint Status Report due by 11/30/2018. (tb) (Entered: 10/23/2018)
11/30/2018	<u>23</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 11/30/2018)
12/03/2018		MINUTE ORDER:A Having considered the parties' Joint Status Report <u>23</u> , it is hereby ordered that the parties shall file another joint report by 1/4/19 and every 30 days thereafter. To the extent the parties propose lifting the stay of the briefing schedule, the joint status report shall contain a proposed order. Signed by Judge Tanya S. Chutkan on 12/3/18. (DJS) (Entered: 12/03/2018)
12/04/2018		Set/Reset Deadlines: Joint Status Report due by 1/4/2019. (tb) (Entered: 12/04/2018)
12/14/2018	<u>24</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Paul Cirino on behalf of U.S. DEPARTMENT OF JUSTICE Substituting for attorney Joshua M. Kolsky (Cirino, Paul) (Entered: 12/14/2018)
01/03/2019	<u>25</u>	Unopposed MOTION to Stay <i>in Light of Lapse in Appropriations</i> by U.S. DEPARTMENT OF JUSTICE (Cirino, Paul) (Entered: 01/03/2019)

01/16/2019		MINUTE ORDER: Denying <u>25</u> without prejudice Motion to Stay Denying failure to comply with Local Civil Rule 7(c), which requires that "[e]ach motion... shall be accompanied by a proposed order." Signed by Judge Tanya S. Chutkan on 1/16/19. (DJS) (Entered: 01/16/2019)
01/23/2019	<u>26</u>	Unopposed MOTION to Stay ( <i>Renewed</i> ) in <i>Light of Lapse in Appropriations</i> by U.S. DEPARTMENT OF JUSTICE (Cirino, Paul) (Entered: 01/23/2019)
01/23/2019		MINUTE ORDER: Granting <u>26</u> Motion to Stay. This action is hereby STAYED. All deadlines in this case are VACATED pending further Order of the Court. Once appropriations have been restored, the parties shall, within 14 days, file a joint status report proposing new deadlines in this case. The status report shall contain a proposed order. Signed by Judge Tanya S. Chutkan on 1/23/19. (DJS) (Entered: 01/23/2019)
02/08/2019	<u>27</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 02/08/2019)
02/08/2019		MINUTE ORDER: Having considered the parties' joint status report <u>27</u> , it is hereby ordered that the parties shall file another joint report, along with a proposed briefing schedule regarding the cross-motions for summary judgment by February 22, 2019. The joint report shall be accompanied by a proposed order. Signed by Judge Tanya S. Chutkan on 2/8/19. (DJS) (Entered: 02/08/2019)
02/12/2019		Set/Reset Deadlines: Joint Status Report due by 2/22/2019. (tb) (Entered: 02/12/2019)
02/13/2019		Set/Reset Deadlines: Joint Status Report due by 2/22/2019. (tb) (Entered: 02/13/2019)
02/19/2019	<u>28</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF JUSTICE. (Attachments: # <u>1</u> Text of Proposed Order (Plaintiff's proposal), # <u>2</u> Text of Proposed Order (Defendant's proposal))(Cirino, Paul) (Entered: 02/19/2019)